

REMARKS

The following remarks are fully and completely responsive to the Office Action dated November 4, 2004. Claims 5 and 7-9 are pending in this application. In the outstanding Office Action, claims 5 and 7-9 were rejected under 35 U.S.C. § 103(a). No new matter has been added. Claims 5 and 7-9 are presented for reconsideration.

35 U.S.C. § 103(a)

Claims 5 and 7-9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Cupps et al. (U.S. Patent No. 5,991,739, "Cupps") in view of Bellesfield et al. (Publication No. US 2002/0038180 A1, "Bellesfield"). In making this rejection, the Office Action asserts that the combination of these two references teaches and/or suggests the claimed invention. The Office Action also asserts that it would be obvious to one of ordinary skill in the art to combine these two references.

Cupps teaches an Internet online ordering method and apparatus. Figures 1 and 2 of this reference illustrate a client computer 102 connected via a network with an online ordering machine 106. The online ordering machine 106 includes a memory 118 that contains an order database 128 and a geocode database 130. The order database 128 includes a customer table 150 having an entry for each customer that tenders an order to the online ordering machine 106, the customer entry including information that characterizes a particular customer. The order database 128 also includes an address table 152 having an entry for each customer and including the latitude 154 and longitude 156 coordinates associated with a customer's address. An order master table 158 in order database 128 has an entry for each order. A restaurant table 160 in the

order database 128 has an entry for each restaurant containing information that describes the restaurant, its services and products (genres of handled merchandise). The restaurant table 160 also includes the latitude 162 and longitude 164 coordinates associated with the restaurant. A restaurant category table 162 of the order database 128 is associated with the restaurant table 160 and is used to identify a category associated with a restaurant.

Cupps uses the geocodes to identify each customer and vendor in order to determine whether the customer is within a specified geographic area or grid of a restaurant's delivery area or whether a restaurant is within the specified geographic area or grid of the customer's takeout range. A geocode procedure 142 is used that converts the address of each customer and vendor into its respective latitude and longitude coordinates. The latitude and longitude coordinates then become the geocode which represents a particular grid. Next, the online order procedure 132 uses the geocode to search the order database 142 to make the appropriate selections.

Cupps, in Figure 11, illustrates the steps used by the online ordering machine 106 to process an online order. A customer accesses the online ordering machine 106 through a client computer 102 that is connected to the Internet. Initially, the customer enters the appropriate web address or universal resource locator (URL) for the online ordering machine 106. Thereafter, a web page is provided to the client computer 102. The customer registers with the online ordering machine 106 by filling out information requested through one or more web pages. The customer may also be prompted with a web page for entering the customer's location. The web page also provides an opportunity for the customer to enter the type of service requested, for example, takeout

service 252 or delivery service 254. If takeout service is requested, the web page requests the range of miles that a customer is willing to drive. Thereafter, the online ordering machine 106 converts the customer's location into an appropriate geocode. If takeout is selected, the online ordering machine 106 searches the order database 128 for restaurants located within the customer's designated takeout range. If delivery is selected in Figure 12B, then the online ordering machine would display restaurants where the customer's geocode is within the delivery range of the restaurant. An example of the restaurants obtained in the search is illustrated in Figure 12C. The customer then selects the type of cuisine from the available restaurants shown by selecting the appropriate URL from the web page shown in Figure 12C. An example of selecting the pizza link is illustrated in Figure 8.

Cupps teaches displaying all services within either the customer takeout range or services who deliver to the customer. The customer does not enter the type of (genres) merchandise before the ordering machine searches the database. The Office Action admits that Cupps fails to disclose and/or suggest a map database site connected to the computer network. The Office Action cites Bellesfield as correcting this deficiency in Cupps.

Bellesfield teaches methods and apparatus for displaying a travel route and/or generating a list of places of interest located near the travel route. This reference discloses an automated travel planning apparatus that includes three separate databases: a map database for storing bit-mapped images; a routing database for storing node, link, and shape data for roads located within the geographic regions and for storing place data indicating the geographic location of places such as towns and

cities; and a places of interest database containing the geographic locations of numerous places of interest.

In Bellesfield, a search of the places of interest database displays a list of places near the designated route. The list of places, however, does not result in the locations of the places of interest being displayed on the map. The places of interest database 34 is organized with the data structure shown in Figure 7. This data structure contains both places of interest data and geographic center data. The places of interest data includes a field for place name and geographic center. The place name contains the name of a place of interest, such as a hotel, restaurant, attraction, etc. Each place name is associated with a geographic center such as a city. A geographic center for a given place of interest is generally the city in which the place of interest is most commonly associated. This data structure effectively groups places of interest based on geographic location by “geocoding” each place of interest to the latitude/longitude of a geographic center located near the place of interest. Accordingly, Bellesfield teaches displaying the beginning and end points of a route but fails to display the locations of the places of interest on the map. The places of interest are only displayed on a list associated with the map.

Accordingly, the combination of Cupps and Bellesfield fails to disclose and/or suggest a “retrieval server of said retrieval site retrieves shops whose genres of handled merchandise from said retrieval database correspond to a desired merchandise genre entered at an information terminal connected to said retrieval site”. The combination of these references also fails to disclose and/or suggest displaying “a map image on which

the destination and retrieved shops are indicated. Consequently, the combination of these two references fails to teach that “a shop is selected based on the map image”.

Therefore, the combination of Cupps and Bellesfield fails to disclose and/or suggest Applicants’ invention. Accordingly, Applicants request reconsideration and withdrawal of the rejection of claims 5 and 7-9 under 35 U.S.C. § 103(a).

Conclusion

Applicants’ remarks have overcome the rejection set forth in the Office Action dated November 4, 2004. Specifically, Applicants’ remarks have distinguished claims 5 and 7-9 from the combination of Cupps and Bellesfield and thus overcome the rejection of these claims under 35 U.S.C. § 103(a). Accordingly, claims 5 and 7-9 are in condition for allowance. Therefore, Applicants respectfully request consideration and allowance of claims 5 and 7-9.

Applicants submit that the application is now in condition for allowance. If the Examiner believes the application is not in condition for allowance, Applicants respectfully request that the Examiner contact the undersigned attorney by telephone if it is believed that such contact will expedite the prosecution of the application.

In the event that this paper is not considered to be timely filed, Applicants respectfully petition for an appropriate extension of time.

The Commissioner is authorized to charge payment for any additional fees which may be required with respect to this paper to our Deposit Account No. 01-2300, making reference to attorney docket number 107156-00051.

Respectfully submitted,
ARENT FOX PLLC

A handwritten signature in black ink, appearing to read 'R. Hill', is written over a horizontal line.

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